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## FAX COVER SHEET

DATE:

4/15/02

TIME:

4:55 PM PT

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NUMBER OF PAGES INCLUDING COVER SHEET:

3

Please deliver this  
informal communication  
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**Docket No.: ECC-5062CIP2****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Mooney et al.	)	Group Art Unit: 3763
	)	
Application No.: 09/329,002	)	Examiner: L. Thanh
	)	
Filed: June 08, 1999	)	
	)	
Title: MULTIPLE LUMEN DEVICE	)	
AND METHOD	)	
	)	

**INTERVIEW PREVIEW**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Responsive to the FINAL Office Action dated November 30, 2001, the following topics will be discussed at the telephone interview scheduled for April 24, 2002 at 1PM ET.

First, Applicants wish to point out that the devices shown in the cited prior art are not multiple lumen access devices, and there is no mention of a device lumen, flexible inner walls, a soft junction housing, or internal channels/cavity as in the present claims.

**Rejections in view of Palestrant**

Palestrant discloses a vascular catheter having two or more flattened strips of flexible material attached along their side edges so as to form a collapsible outer tube. In contrast, independent claims 1 and 60 of the present application both provide an access device having an outer tube that remains substantially unchanged. With regard to the term "flexible," Applicants assert that the limitations in claims 1 and 60 are not functional, and in fact prescribe the flexibility of the wall in terms of its structural ability to move between positions. Much like saying that a strut is sufficiently long so as to bridge two points. Furthermore, the last phrase in claim 1 (also in claim 60) provides structural language that the cross-section of the device lumen is smaller than the cross-section of the outer tube. This is not so in Palestrant where the inner lumen can be inflated to a larger size than the collapsed outer tube.

Claim 30 provides an access device with a multiple lumen sheath and a soft junction housing connected to the proximal end of the sheath, the junction housing having certain internal

soft jr housing → 30

canceling  
that are  
w/drawn.  
①, 30  
60  
generic

Application No.: 09/329,002

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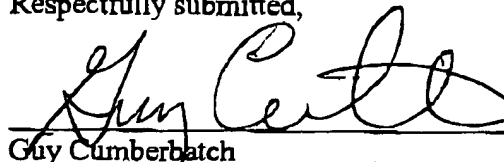
channels and a cavity. Palestrant discloses a catheter without a soft junction housing, and no assertion that it does was made in any Office Action so far. Please explain why Palestrant is used to reject claim 30.

Discussion of Young

In addition to being a catheter, and not an access device as described in the present application, Young also does not show a flexible wall as required by the independent claims 1 and 60. Young states that "[t]he inner layer 60 of the body portion 12 is preferably formed of a harder inner material which has the same or a higher modulus or durometer than the outer layer 58 to reduce the likelihood of septum deflection during use" (col. 9, lines 54-58). Therefore, Young does not disclose, and in fact teaches away from, the flexible wall as in claims 1 and 60. With respect to independent claim 30, the same comment made above in regard to Palestrant also applies to Young.

Dated: April 15, 2002

Respectfully submitted,



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